

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

03c 12426 RCL

CAREFREE PARK CORPORATION,

Plaintiff,

v.

MAGISTRATE JUDGE Collins

ADIB NABHAN,

Defendant.

52/62
AMOUNT \$ 160
SUMMONS ISSUED YES N/A
FED. RULE 4.1
FILING FORM
NOT ISSUED
CLERK CLK. FOU
D-03-03

NOTICE FOR REMOVAL TO THE UNITED STATES DISTRICT COURT

Defendant Adib Nabhan, by his undersigned attorneys, for his Notice of Removal of this action pursuant to 28 U.S.C. §1441, states as follows:

1. This lawsuit was filed in Essex County Superior Court on October 8, 2003, and is pending under Civil Action No. 03-1926D. A true and accurate copy of the Complaint is attached hereto as Exhibit A.

2. In this action, the plaintiff, alleges that defendant breached his fiduciary duty to plaintiff by inappropriately usurping a business opportunity belonging to plaintiff.

3. Defendant was served with the Complaint on November 5, 2003.

4. The plaintiff is a Massachusetts corporation with a principal place of business in Salisbury Beach, Massachusetts.

5. Defendant resides in the State of Florida.

6. The Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1332, as the amount in controversy exceeds \$75,000, exclusive of interest and costs, and the action is between citizens of different states. The amount of controversy exceeds \$75,000 inasmuch as plaintiff alleges that, since 1996, defendant has diverted to another business entity, Fun Depot,

Inc., revenues and profits belonging to plaintiff. The revenues and profits generated by Fun Depot, Inc. over that time period exceed \$75,000.

7. The jurisdictional facts set forth above were applicable on the date of filing of the action.

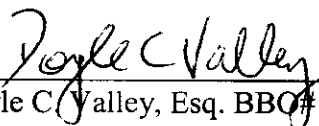
8. This Notice for Removal has been filed with the Clerk of Court for Essex County Superior Court.

9. Written notice of this Notice for Removal has been provided to the plaintiff.

Respectfully submitted,

The Defendant,
Adib Nabhan,
By his Attorneys:

MORRISON, MAHONEY & MILLER, LLP



Doyle C. Valley, Esq. BBO# 638578
250 Summer Street
Boston, MA 02210
(617) 439-7500

Dated: 12/3/03

I hereby certify that a true copy of
the above document was served
upon the attorney of record for each
party by mail on 12/3/03